

Disciplinary#
1014567

DCC Delaware Correctional Center

Date: 11/27/2004

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

18C28

DISCIPLINARY REPORTDisciplinary Type: Class1Housing Unit: Bldg 18IR#: 1017887

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00253918	Hopkins, Shane K	DCC	Bldg.22 A Tier	11/26/2004	15:00

Violations: 1.02/200.201 Assault, 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order,
2.13/200.111 Possession of Non-Dangerous Contraband

Witnesses: 1. Smith, Joe2. N/A3. N/A**Description of Alleged Violation(s)**

On November 26, 2004 I C/O Pusey, John And C/O Smith, Joe Were Transferring Inmate Hopkins, Shane Sbi #00253918 From A110- To Au12 Because Of A Clogged Toilet. I C/O Pusey Noticed That IM Hopkins Had In Excess Of Books In His Possession An Started To Shakedown His Cell A110 While I/M Hopkins Was Transferred To Au12. I C/O Pusey Then Confiscated And Bagged Up A Of IM Hopkins Belongings And Took Them To Him In 22au12. I C/O Pusey Had Au12 Cell Door Opened To Hand The Property Ove To IM Hopkins. I Then Told Him That The Allowable Items Were In His Bag, At This Time IM Hopkins Became Agitated And Starte To Come Out Of His Cell. I Placed My Hand Up To Stop Him And He Pushed My Hand Out Of The Way And Shoved Past Me B Pushing Me In The Chest Area. I Then Grabbed Him To Secure Him And Then He Began To Resist. I Then Notified C/O Smith Wh Was On The Tier To Help Secure Him, We Then Placed I/M Hopkins On The Ground And Called For Backup. IM Hopkins Continue To Resist And Sgt. Outen, Clifton Sprayed IM Hopkins To Help Secure Him. I/M Hopkins Was Handcuffed And Secured, The Removed From The Tier And Transported To Mhu 24 Classroom #2 And Was Seen By Medical Nurse Betty And Refused Medic Treatment. I/M Hopkins Excessive Books Were Confiscated And Inventoried As Evidence. I/M Hopkins Was Advised That He Woul Be Receiving A Mab Write-Up For His Actions And Transferred To Bldg #18 Isolation.

Reporting Officer: Pusey, John E Jr(Correctional Officer)**Immediate Action Taken**Immediate action taken by: Pusey, John E Jr-Correctional Officer

I/M Capfoamed, I/M Secured, I/M Seen By Medical, I/M Advised Of Mab Write-Up, Accomplished 404, 122 And 537

Offender Disposition DetailsDisposition: N/ADate: N/ATime: N/ACell secured? NoReason: N/A

Disposition Of Evidence: All Evidence Secured And Forwarded To Shift Commander

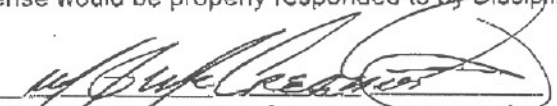
Approval InformationApproved: ☒ Disapproved: ☐ Approved By: Mccreanor, Michael (Shift Commander - Large Inst.)Comments: N/A**Shift Supervisor Details**

Date Received:

Time:

Received From: **Shift Supervisor Determination:**

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- ☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing


 Mccreanor, Michael (Shift Commander - Large Inst.)

DR #

1014567

Date: 11-26-04

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

NOTICE OF DISCIPLINARY HEARING – FOR MINOR/MAJOR OFFENSE

To: Inmate: HOPKINS, SHANE K. SBI#: 00 253918 Housing Unit: 22

1. You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122).
2. At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.

How do you plead?

☐

Guilty

☒

Not Guilty

3. A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Written Reprimand.
 - b. Loss of one or more privileges for a period of time of more than 24 hours but less than 15 days.
4. A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Loss of one or more privileges for a period of more than 15 days but less than 60 days.
 - b. Confinement to assigned quarters for a period of time not to exceed 30 days.
 - c. Isolation confinement for a period of time not to exceed 15 days.
 - d. Loss of good time for a period of time not to exceed 30 days. (Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)
5. You have the rights in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

6. Counsel requested?

☒

Yes

☐

No

Name of Counsel:

CHRIS DESMOND

7. Confront accuser?

☒

Yes

☐

No

8. Witness requested?

☒

Yes

☐

No

Name of Witness:

MARTIN ROBERTSWILLARD CHEATWOODCURTIS BROWN

I certify that on 11-26-04 at 1705
(Date) (Time)

I served upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and the Disciplinary Report is attached hereto.

[Signature]
(Employee's Signature & Title)

I have received copies of 122 & 127 and understand my rights as Form #127 has been read to me.

[Signature]
(Inmate's Signature)

DR#

1014567

DCC Delaware Correctional Center

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

Date: 12/14/2004

DISCIPLINARY HEARING DECISION

Inmate : <u>Hopkins, Shane K</u>	SBI#: <u>00253918</u> Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>12/09/2004</u> Time: <u>09:50</u>
Inmate Present: <u>Yes</u> Reason (If No): <u>N/A</u>	
Violation: 1.02/200.201 Assault, 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order, 2.13/200.111 Possession of Non-Dangerous Contraband	
Inmate PLEA: <u>Not Guilty</u>	
Inmate Statement: <u>Didn't threaten or assault anyone. I had two library books they don't count. Pusey grabbed me and put me in choke hold. Sith hit me repeatedly.</u>	
Witness Name: <u>Smith, Joe C/O</u>	
Testimony : <u>N/A</u>	
Decision : <u>Guilty</u>	
Rational : <u>During confrontation o/o Pusey said writeup happened as he reported. Per report and confrontation inmate found guilty. 15 days isolation currently being done.</u>	
Sanctions: <u>N/A</u>	
HEARING OFFICER'S SIGNATURE _____ Savage, Larry	
I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.	
I <input checked="" type="checkbox"/> DO <input type="checkbox"/> DO NOT INTEND TO APPEAL	
INMATE'S SIGNATURE _____	

ORDER TO IMPLEMENT SANCTIONS

<input checked="" type="checkbox"/> Inmate does not wish to appeal	<input type="checkbox"/> Appeal has been denied by Commissioner or Designate
<input type="checkbox"/> Sanctions have been modified	<input type="checkbox"/> Time Limit (72 Hours since hearing) for appeal has expired
It is here by ordered to implement the sanctions:	
Sanctions	Start Date Days End Date
1. Isolated Confinement	15

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Date: 12/9/04

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

DISCIPLINARY HEARING DECISION

☒ Class I (Major) ☐ Class II (Minor) ☐ Summary (24 Hour LOAP)

Inmate: Hopkins, Shane SBI#: 00 253918
Institution: Delaware Correctional Center Hearing Date: 12/9/04 Time: 0950

Inmate Present: ☒ Yes ☐ No

Reason (If No):

Violation: 200.201 Assault 200.203 DFB 200.108 PTO 200.111 PNC
Inmate Plea: Not guilty
Inmate Statement: Didn't threaten or assault anyone. I had
two witness books that don't count. Picky grabbed me and put me
in choke hold. Smith hit me repeatedly.

Witness Name:

Testimony:

Witness Name:

Testimony:

Witness Name:

Testimony:

Decision: ☒ Guilty ☐ Not Guilty ☐ Further Investigation

Rational: During confrontation in Paddy. Smith in situation occurred
happened as he reported. Per report and confrontation
inmate found guilty.

Sanctions: 15 days isolation currently being served

Hearing Officer's Signature [Signature]

I understand that I may appeal the decision of the Hearing Officer (or Shift Supervisor in the case of a Summary Sanction) to the Commissioner of Correction or his designee. I must complete a Disciplinary Appeal Form within 72 hours immediately following the hearing and mail it to the DCC Hearing Office.

☒ I do intend to appeal.

☐ I do not intend to appeal.

Inmate unable to sign appeal
in time.

Inmate's Signature

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal

☐ Sanctions have been modified

☐ Appeal has been denied by Commissioner or Designee

☐ Time Limit (72 hours since hearing) for appeal has expired

Modifications:

It is hereby ordered to implement the sanctions or modified sanctions on Date: Time:

Appendix K1

DELAWARE CORRECTIONAL CENTER

TO: Inmate: Hopkins, Shane K. SBI: #00253918

FROM: Shift Commander: Capt. Michael McCreanor

DATE: November 26, 2004

SUBJECT: Administrative Transfer

The undersigned believes that you warrant confinement to a more restrictive setting based upon information presented. Consequently, pending review, you are hereby temporarily, administratively transferred to:

<input type="checkbox"/>	Protective Custody	200.108	Failing to Obey an Order
		200.111	Poss. Of Non-Dangerous Contraband
		200.203	Disorderly and Threatening Behavior
<input checked="" type="checkbox"/>	Pre-Hearing Detention	200.201	Assault
		Offense No.	Offense Title
<input type="checkbox"/>	Higher Security		


Signature of Shift Commander

Attach Supporting Documents/Forms i.e.: 404, 537, I/M statement, etc.

Copy to: Security Superintendent (original)
Institutional Investigator
Classification
MDT Chairperson
Transfer Office
Temporary Housing Counselor
Classified Housing Counselor
File

> H

ADMINISTRATIVE TRANSFER

INMATE STATEMENT

S.H. While conducting a search of my property officer Pusey found more than the institutional allowance of 2 Books. The extra books were from the institutional library. I had 2 personal books that were sent into the prison by a family member. These personal books were clearly labeled as personal property, the books titled "The Davinci Code" and "Angels and demons" John Brown had stickers with my name and SBI number on the cover. Officer Pusey took these Books along with a personal Webster's Collegiate Dictionary and Webster's Thesaurus in order to be malicious. Because he could, Officer Pusey then brought my property to my cell. When I asked Officer Pusey about my ST (Cont.)

ATTEST

Shane Hopkins
Inmate Signature

11-26-04
Date

Inmate refused to make a statement ☐

[Signature] 11-26-04
Staff Signature Date

DO NOT DUPLICATE. FORWARD ORIGINAL TO SECURITY SUPERINTENDENT'S OFFICE ONLY.

Officer Posey physically grabbed me by my shirt telling me to get into the cell. I tripped backwards over my bag of property and banged my head onto the cell door handle and before I could stand back up straight Officer Posey placed me in a choke hold and took me down to the ground. Officer Smith came up the stairs and punched me in the face repeatedly while I was ~~on~~ on the ground shouting how he hated me and had been waiting for a chance to "wip my fagot ass."

S.H. Officer Posey placed me in handcuffs and knelt on my back. Officer Posey told Officer Smith to "Spray this motherfucker" despite the fact that I was already restrained and not resisting. After I was pepper sprayed I was lifted off of the ground and grabbed by the hair, my face was then repeatedly banged into the wall while my hands that were cuffed behind my back were held up causing me to stand on my tiptoes. xS.H

S.H. x Officers Posey and Smith led me down the steps and out to Building 22's sliding doors. They "I don't know who because I couldn't see" perpsfully banged my head and face into the sliding doors door jamb. xS.H

11-26-04
STAFF Signature
DATE

11-26-04
DATE
Shaw Hopkins

my face was rammed into the inside sliders door jamb, the outside sliders door jamb and building #24's and "That sounded like it hurt." x S.H. S.H. x This abuse was done because of Officer Smith and Officer Pussey's personal feelings towards me, not because of any rule infraction at the time of the incident. x S.H. S.H. x The opportunity presented itself for Officers Smith and Officers Pussey to have some fun at my expense knowing that their actions could be justified. S.H. x I hold no long time personal grudges about past confrontations like Officers Smith and Officer Pussey did. Their abuse of power is unjustified, x S.H.